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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/816,194

Applicant(s)

AOYAMA, TATSUYA

Examiner

HUNG H. LAM

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments, filed on 01/04/08, have been entered and made of record. Claims 13-21 are newly added. Claims 1-21 are pending.

In review of Applicant's amendment to claims 9, 11 and 12, rejection of claims 9, 11 and 12 under 35 U.S.C. 101 are hereby withdrawn.

Response to Arguments

2. Applicant's arguments see Amendment (Remarks), pages 8-12, filed 01/04/08, with respect to the rejection(s) of claim(s) 1-21 have been fully considered but they are not persuasive.

Regarding claims 1, 5, 9 and 11-12, the Applicants argue that Terashita does not disclose any classification of models of digital cameras into groups of predetermined level ranges according to a level of a characteristic of image data. The Examiner respectfully disagrees. By definition, **"kind"** is a class or group of individual objects of the same nature or character classified together. Terashita teaches a camera classification recording means (8) for piecing information representing image processing conditions which are optimum for a digital image signal S having been acquired with a digital camera 1 belonging to each of a camera **kinds** ([0033]). Terashita further teaches a standard for recording the camera **kinds** information C as the tag information

such that "Baseline TIFF Rev.6.6 ORGB Full Color Image" ([0031-0032; 0035]). Therefore, the camera kinds information C are interpreted as indications of a class or group of individual cameras of the same character classified together.

In view of the above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made final.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2, 5-6 and 9-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Terashita (US-2002/0,140,825).

With regarding **claim 1**, Terashita discloses an image processing method comprising the steps of:

carrying out classification of models of digital cameras into groups of predetermined level ranges according to level of a characteristic of image data due to the models of the digital cameras that obtained the image data (abstract; 0008-0011):

carrying out setting of an image processing condition (Fig. 1; image processing means 4) for carrying out correction according to the level range of each of the groups (6 and 8; 0032-0035); and

carrying out the correction on image data obtained by a digital camera (image output means 5) belonging to any one of the groups by using the image processing condition set therefor (see image processing means 4 and image output means 5; 0035-0038).

With regarding **claim 2**, Terashita discloses the image processing wherein the characteristic includes a plurality of types and the classification, the setting (abstract; 0030), and the correction are carried out for each of the types of the characteristic (0031-0033).

With regarding **claim 5**, Terashita discloses an image processing apparatus comprising: storage means for storing:

models of digital cameras classified into groups of predetermined level ranges according to level of a characteristic of image data due to the models of the digital cameras that obtained the image data (abstract; 0008-0011);

the groups (0030); and

image processing conditions set for carrying out correction according to the level ranges of the respective groups while relating the models, the groups, and the image processing conditions to each other (0031-0033);

search means (selection means 6) for making judgment as to which of the groups a digital camera belongs to from the model of the digital camera that obtained image data to be corrected and for carrying out reading of the image processing condition set for the group that has been judged while referring to the storage means (0031; 0033; 0035: the selection means 6 inherently judges the groups of digital camera in order to select the optimum image processing conditions from the camera classification recording means 8); and

correction execution means for carrying out the correction on the image data obtained by the digital camera by using the image processing condition found by the search means (0031; 0035).

With regarding **claim 6**, Terashita discloses the image processing apparatus according to claim 5, the characteristic including a plurality of types, the storage means storing the models, the groups, and the image processing conditions in relation to each other for each of the types of the characteristic (0030; 0032; 0038-0040); and the search means (6) and the correction execution means (image processing means 4) carrying out the judgment, the reading, and the correction for each of the types of the characteristic (0033; 0035; 0041).

With regarding **claim 9**, Terashita discloses a database recorded on a computer readable medium storing:

models of digital cameras classified into groups of predetermined level ranges according to level of a characteristic of image data due to the models of the digital cameras that obtained the image data the groups (abstract; 0008-0011); and

image processing conditions set (image processing means 4) for carrying out correction according to the level ranges of the respective groups while relating the models, the groups, and the image processing conditions to each other (0031-0035; 0041).

With regarding **claim 10**, Terashita discloses the medium wherein the characteristic includes a plurality of types and the database stores the models, the groups and the image processing conditions in relation to each other for the respective types of the characteristic (0030; 0032; 0038-0040).

With regarding **claim 11**, Terashita discloses a program recorded on a computer readable medium causing a computer to execute:

search processing (selection means 6) for making judgment as to which of the groups a digital camera that obtained image data to be corrected belongs to from the model of the digital camera and for carrying out reading of the image processing condition set for the group that has been judged while referring to the database in claim 9 (0031; 0033; 0035: the selection means 6 inherently judges the groups of digital camera in order to select the optimum image processing conditions from the camera classification recording means 8); and

correction execution processing for carrying out the correction on the image data obtained by the digital camera by using the image processing condition found through the search processing (0031-0038; 0041).

With regarding **claim 12**, Terashita discloses a program recorded on a computer readable medium causing a computer to execute:

search processing (selection means 6) for making judgment as to which of the groups a digital camera that obtained image data to be corrected belongs to for each of the types of the characteristic from the model of the digital camera and for carrying out reading of the image processing condition set for the group that has been judged while referring to the database in claim 10 (0031; 0033; 0035: the selection means 6 inherently judges the groups of digital camera in order to select the optimum image processing conditions from the camera classification recording means 8); and

correction execution processing for carrying out the correction on the image data obtained by the digital camera by using the image processing condition found through the search processing for each of the types (0031-0038; 0041).

With regarding **claim 13**, Terashita discloses the image processing method according to Claim 1, wherein each predetermined level range corresponds to an exclusively different range of the level of the characteristic of the image data ([0030-0032; 0035; 0038-0042]).

With regarding **claim 14**, Terashita discloses the image processing apparatus according to Claim 5, wherein each predetermined level range corresponds to an exclusively different range of the level of the characteristic of the image data ([0030-0032; 0035; 0038-0042]).

With regarding **claim 15**, Terashita discloses the database according to Claim 9, wherein each predetermined level range corresponds to an exclusively different range of the level of the characteristic of the image data ([0030-0032; 0035; 0038-0042]).

With regarding **claim 16**, Terashita discloses the image processing method according to Claim 1, wherein the characteristic of the image is one of color, tone, sharpness or noise ([0035-0037]).

With regarding **claim 17**, Terashita discloses the image processing apparatus according to Claim 5, wherein the characteristic of the image is one of color, tone, sharpness or noise ([0035-0037]).

With regarding **claim 18**, Terashita discloses the medium according to Claim 9, wherein the characteristic of the image is one of color, tone, sharpness or noise ([0035-0037]).

With regarding **claim 19**, Terashita discloses the method according to claim 2, wherein the classification of models comprises classification into one group, digital cameras of different models ([0008-0011]; by definition, **"kind"** is a class or group of individual objects of the same nature or character classified together).

With regarding **claim 20**, Terashita discloses the method according to claim 19, wherein classification of models includes classification within one group, digital cameras of different manufacturers ([0008-0011]; by definition, **"kind"** is a class or group of individual objects of the same nature or character classified together).

With regarding **claim 21**, Terashita discloses the method according to claim 19, wherein each model can fall into different classifications dependent on the characteristic ([0032-0037]).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita.

With regarding **claim 3**, Terashita fails to disclose the image processing method wherein the digital cameras are digital cameras built into mobile phones.

Official Notice is taken that it is well known and expected in the art to build cameras into mobile phones in order to integrate many devices into one. Therefore, it would have been obvious to one of ordinary skill in the art to modify the device of Terashita by having digital cameras build into mobile phones. The modifications thus integrate a camera and a mobile phone into one device and thus reducing carrying weight.

As Applicants have not traversed the old and well known statement set forth above, "the image processing method wherein the digital cameras are digital cameras built into mobile phones" is now taken as admitted prior art. See MPEP 2144.03(c).

With regarding **claim 4**, the claim contains the same limitations as claimed in claim 3. Therefore, claim 4 is analyzed and rejected as previously discussed under claim 3.

With regarding **claim 7**, the claim contains the same limitations as claimed in claim 3. Therefore, claim 7 is analyzed and rejected as previously discussed under claim 3.

With regarding **claim 8**, the claim contains the same limitations as claimed in claim 3. Therefore, claim 8 is analyzed and rejected as previously discussed under claim 3.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG H. LAM whose telephone number is (571)272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LIN YE can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HL
03/30/08

/Nhan T. Tran/
Primary Examiner, Art Unit 2622